

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR CONTINUATION-IN-PART APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"USE OF CLOPROSTENOL AND FLUPROSTENOL ANALOGUES TO TREAT GLAUCOMA AND OCULAR HYPERTENSION "

the specification of which:

is attached hereto.
 was filed by an authorized person on my behalf on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations ("37 CFR"), Section 1.56 which states: in part:

Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a *prima facie case of unpatentability of a claim*; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the office; or
 - (ii) asserting an argument of patentability

I hereby claim the benefit under Title 35, United States Code ("35 USC"), Section 120, of any United States Application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Section 112, I acknowledge the duty to disclose material information as defined in 37 CFR, Section 1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
08/101,598	August 3, 1993	Pending

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my invention thereof or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor certificate issued before the date of said earlier application in any country foreign to the United States of America or on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and the earliest application(s) for patent or inventor's certificate on said invention filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other applications (if any) filed more than twelve months prior to the filing date of this application:

NONE.

The priority of the earliest application(s) (if any) filed within a year prior to said pending prior application is hereby claimed under 35 USC Section 119.

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application, and that the earliest application(s) for patent or inventor's certificate on said subject matter filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications) (if any) filed more than twelve months prior to the filing date of this application:

NONE.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint James A. Arno, Reg. No. 26,145; Gregg C. Brown, Reg. No. 30,613; Sally Yeager, Reg. No. 32,757; Julie J. L. Cheng, Reg. No. 33,848; Barry L. Copeland, Reg. No. 34,801; Jeffrey S. Schira, Reg. 34,922; and Patrick M. Ryan, Reg. No. 36,263, of ALCON LABORATORIES, INC., 6201 South Freeway, Fort

Worth, Texas 76134, and Robert L. Price, Reg. No. 22,685, of Lowe, Price, LeBlanc & Becker, 99 Canal Center Plaza, Suite 300, Alexandria, Virginia 22314, my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence concerning this application to: Julie J. Cheng, Patent Department, ALCON LABORATORIES, INC., 6201 South Freeway, Fort Worth, Texas 76134, telephone no. (817) 551-4321.

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7/22/94

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22 July 1994

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